

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

CARDWARE INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.  
AND SAMSUNG ELECTRONICS  
AMERICA, INC.,

Defendants.

CIVIL ACTION No. 2:22-00141-JRG-RSP

JURY TRIAL DEMANDED

**AGREED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO  
DEFENDANTS' MOTION FOR TRANSFER AND TO SET SCHEDULE FOR  
DISCOVERY RELATED TO SAID MOTION**

Plaintiff CardWare, Inc. (“CardWare” or “Plaintiff”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Defendants” and together with CardWare, the “Parties”) respectfully request that the Court enter an Order extending the deadline for CardWare to file its Response in Opposition to Defendants’ Motion for Transfer Under Section 1404(A) (“Motion”) (Dkt. 32) from November 11, 2022 until January 6, 2022 and to set certain deadlines for Defendants to file their Reply and for service and responses to discovery requests related to the Motion. In support, the Parties state as follows:

1. On Friday, October 28, 2022, Defendants filed their Motion seeking to transfer this matter to the Northern District of California under Section 1404(A). Pursuant to Local Rule CV-7(e), Plaintiff has fourteen (14) days to file its Responsive Brief to Defendants’ Motion. Plaintiff’s current deadline to file its Response in Opposition to Defendants’ Motion is November 11, 2022.
2. CardWare believes that discovery into the Motion’s underlying facts is reasonable and necessary in order to respond to the substance and merits of the Motion.
3. Since Thursday, November 3, 2022, counsel for the Parties have met and conferred on numerous occasions to discuss the scope of discovery related to the Motion and briefing schedule and subsequently agreed to the following:

Event	Deadline
CardWare to serve no more than 10 Document Requests and no more than five Interrogatories on Defendants related to the Motion to Transfer under Section 1404(a)	<b>November 4, 2022</b>

CardWare to Serve Deposition Notice related to the Motion to Transfer under Section 1404(a) <sup>1</sup>	<b>November 7, 2022</b>
Defendants to serve no more than ten Document Requests and no more than five Interrogatories on CardWare related to the Motion to Transfer under Section 1404(a)	<b>November 13, 2022</b>
Defendants to serve Deposition Notice related to the Motion to Transfer under Section 1404(a)	<b>November 13, 2022</b>
Defendants to respond to the five Interrogatories and ten Document Requests	<b>December 2, 2022</b>
CardWare to respond to the ten Document Requests and five Interrogatories	<b>December 9, 2022</b>
Defendants to produce a witness responsive to the Deposition Notice <sup>2</sup>	<b>December 15, 2022</b>
CardWare to file its brief in opposition to the Motion for Transfer under Section 1404(a)	<b>January 6, 2023</b>
CardWare to produce a witness responsive to the Deposition Notice	<b>January 12, 2023</b>
Defendants to file its Reply brief to the Motion to Transfer under Section 1404(a)	<b>January 24, 2023</b>
CardWare to file its Sur-Reply brief to the Motion to Transfer under Section 1404(a)	<b>January 31, 2023</b>

4. The Parties reserve the right to request extensions of time related to the above dates for good cause, including delay due to good faith disputes regarding the completeness and scope of venue discovery. However, the Parties will meet and confer regarding any disputes or modifications to the schedule in accordance with the Local Rules and this Division’s Standing Order Regarding Discovery Disputes. CardWare agrees not to raise the time requested for venue discovery as an argument in opposition to the Motion. The Parties intend to raise the remaining disputed discovery-related issues concerning the breadth and scope of venue related discovery that is the subject of the Agreed Motion in separate papers (i.e., Motion for Protective Order and Motion to Compel).

5. The Parties agree that the discovery sought and described in Paragraph 3 above shall be governed by the Discovery Order dated October 18, 2022 and count towards the number of interrogatories permitted and the hours of deposition testimony permitted therein.

<sup>1</sup> The Parties are not in agreement on the number and duration of depositions and may need to present that dispute to the Court in separate papers.

<sup>2</sup> Subject to the witness’s availability and location of the witness.

6. This Agreed Motion is not sought for delay or to prejudice any Parties' rights but is an agreed upon motion to expedite discovery related to the Motion to Transfer under Section 1404(a) so that the Court may be fully apprised of the pertinent facts before rendering a decision on the Motion.

7. A proposed order is attached to this Agreed Motion.

WHEREFORE, for the above reasons, CardWare and Defendants respectfully request that the Court grant said Agreed Motion and extend the deadlines to file an Opposition to the Motion for Transfer under Section 1404(a) until January 6, 2023, a Reply to the Motion for Transfer under Section 1404(a) until January 24, 2023, and to set the above deadlines for discovery related to said Motion.

Dated: November 10, 2022

Respectfully submitted,

By: /s/ Allan M. Soobert

Allan M. Soobert  
allansoobert@paulhastings.com  
Kecia Reynolds (*pro hac vice*)  
keciareynolds@paulhastings.com  
David Valente (*pro hac vice*)  
davidvalente@paulhastings.com  
PAUL HASTINGS LLP  
2050 M Street NW  
Washington, D.C. 20036  
Telephone: 202-551-1700  
Facsimile: 202-551-1705

Melissa R. Smith (TX Bar No. 24001351)  
melissa@gillamsmithlaw.com  
GILLAM & SMITH, LLP  
303 S. Washington Ave.  
Marshall, TX 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257

*Attorneys for Defendants Samsung Electronics Co., Ltd and Samsung Electronics America, Inc.*

Respectfully submitted,

By: /s/ Eric Findlay

Eric H. Findlay  
State Bar No. 00789668  
Brian Craft  
State Bar No. 04972020  
FINDLAY CRAFT, P.C.  
102 N. College Avenue, Suite 900  
Tyler, Texas 75702  
Tel: (903)534-1100  
Fax: (903)534-1137  
efindlay@findlaycraft.com  
[bcraft@findlaycraft.com](mailto:bcraft@findlaycraft.com)

Erick S. Robinson  
Texas Bar No. 24039142  
SPENCER FANE LLP  
3040 Post Oak Boulevard, Suite 1300  
Houston, TX 77056  
Tel: (713) 212-2638  
Fax: (713) 963-0859  
erobinson@spencerfane.com

Brian T. Bear (*pro hac vice*)  
Missouri Bar No. 61957  
SPENCER FANE LLP  
1000 Walnut Street, Suite 1400  
Kansas City, Missouri 64106  
Tel: (816)474-8100  
Fax: (816)474-3216  
bbear@spencerfane.com

Matt Berkowitz (*pro hac vice*)  
California Bar No. 310426  
Lillian Mao (*pro hac vice*)  
California Bar No. 267410  
SHERMAN & STERLING – MENLO PARK  
1460 El Camino Real, 2nd Floor  
Menlo Park CA 94025

Tel: (650)838-3600

*Attorneys for Plaintiff CardWare Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3) on November 10, 2022.

/s/ Eric Findlay

Eric Findlay

**CERTIFICATE OF CONFERENCE**

This is to certify that counsel for Plaintiff has complied with the meet and confer requirement in Local Rule CV-7(h). Counsel for Plaintiff conferred with counsel for Defendants, and the Parties jointly request the relief sought herein.

/s/ Eric H. Findlay

Eric H. Findlay